



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-18A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
P.O. Box 52926
Oklahoma City, Oklahoma 73152

May 17, 2022

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2021050103.22.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct, unprofessional conduct¹, "any act that jeopardizes a patient's life, health or safety[.]" or any violation of state or federal law relating to the practice of nursing. 59 O.S.2021, § 567.8(B)(2), (7-9). A nurse may also be subject to discipline for failing "to adequately care for a patient or to conform to the minimum standards of acceptable nursing" in a way that "unnecessarily exposes a patient or other person to risk of harm[.]" or practicing nursing absent compliance with the Act. *Id.* § 567.8(B)(3), § 567.14(A).

According to a Board complaint, Respondent worked as an LPN at a clinic from November 2019 through August 2020. under a lapsed nursing license. In August 2020, Respondent applied for reinstatement and in February 2021, the Board issued a Corrective Action Order ("CAO") which reinstated Respondent's license effective March 2021. Under the CAO, Respondent was required to complete education courses and pay an administrative penalty of \$1200. Respondent failed to complete the terms of the CAO and in November 2021, the reinstated license lapsed. The Respondent was noticed for a show-cause hearing but failed to cooperate with the investigation or file a response to the complaint.

Pursuant to OAC 485:10-12-4.(d)(3), if a Respondent, "having accepted the recommended Corrective Action, fails to timely complete the terms of the [CAO,]" the Executive Director may terminate corrective action proceedings and dispose of the matter as a disciplinary proceeding. The Board now proposes to issue a severe reprimand and require the Respondent to complete


¹ By Board rule, unprofessional conduct includes "conduct detrimental to the public interest[.]" or "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1.(a)(b)(3)(H), (V).

education courses, pay \$2,200 in administrative fees and \$579.44 in investigative costs. The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.



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